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10/734,966	12/15/2003	Mustansir Banatwala	LOT920030078US1 (032)	1342

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EXAMINER

VERDI, KIMBLEANN C

ART UNIT	PAPER NUMBER
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2194

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01/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/734,966

Applicant(s)

BANATWALA ET AL.

Examiner

KimbleAnn Verdi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6, 8-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This office action is in response to the Amendment filed on October 30, 2007. Claims 1, 3-6, 8-18 are pending in the current application. Applicants' arguments have been carefully considered, but are moot in view of the new ground(s) of rejection.

Accordingly, this action has been made FINAL. All previously outstanding objections and rejections to the Applicant's disclosure and claims not contained in this Action have been respectfully withdrawn by the Examiner hereto.

#### ***Response to Amendment***

1. Amendment to the specification overcomes the previous objection to the specification.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1 and 6 have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's arguments with respect to the 35 USC § 101 of claims 14-18 have been fully considered but they are not persuasive.
4. Applicant's arguments filed on October 30, 2007 with respect to the 35 USC § 101 have been fully considered but they are not persuasive. In response to the Non-Final Office Action dated July 30, 2007, applicant argues in regards to claims 14-18:

**(1) Claims 14-18 specifically recite "a computer readable storage." A computer usable/readable storage is an article of manufacture and, thus, is**

**statutory.** In this regard, the Examiner is directed to M.P.E.P. § 2106.01, which states:

When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.

Furthermore, one skilled in the art would recognize that machine-readable storage includes memory, hard drives, floppy drives, USB keys, etc.

In response to argument (1), examiner respectfully disagrees and notes that "computer readable storage" is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In addition claim 14 as written "A machine readable storage having stored thereon a computer program for event notification and management, the computer program comprising" appears to claim a computer program not an article of manufacture.

#### ***Specification***

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 14 refers to a machine readable storage having stored

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thereon a computer program, however the specification does not disclose a machine readable storage.

***Claim Objections***

6. Claims objected to because of the following informalities: claim 9, line 5, and claim 14, line 8, the recitation of "said trapped selected calls", should be "a trapped selected calls". Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 14-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 14-18, a "machine readable storage having stored thereon a computer program for event notification and management, the computer program comprising" is being recited; however, it appears that machine readable storage having stored thereon a computer program for event notification and management, the computer program comprising would reasonably be interpreted by one of ordinary skill in the art as software, per se. A machine readable storage having stored thereon a computer program for event notification and management, the computer program comprising as claimed does not set forth a means to realize the software, per se such as being stored in a memory or computer storage media. As such, it is believed that a machine readable storage having stored thereon a computer program for event

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notification and management, the computer program comprising of claims 14-18 is reasonably interpreted as functional descriptive material, per se.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-7, 9-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over "The Design and Performance of a Real-time CORBA™ Event Service" by Harrison et al. (hereinafter Harrison) in view of United States Patent 6,269,396 B1 to Shah et al. (hereinafter Shah).

11. As to claim 1, Harrison teaches the invention substantially as claimed including an event notification and management system comprising:

an aggregation of logical components, each logical component having a coupling to a corresponding dynamic proxy (page 189, Figure 6, lines 22-28);

an event notification service communicatively linked to a plurality of subscribing processes (page 192, left col., lines 4-15); and

an event queue disposed between said dynamic proxy and said event notification service (page 192, right col., lines 22-31, Figure 8).

Harrison does not explicitly disclose wherein at least one of said dynamic proxy comprises event notification logic and event management logic.

However teaches wherein at least one of said dynamic proxy comprises event notification logic and event management logic (col. 26, lines 58-67).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the event service of Harrison with the teachings of Event Manager Subsystem from Shah because this feature would have provided event manager subsystem provides the ability for a users to generically issue event notification to one or more registered parties (col. 26, lines 58-60 of Shah).

12. As to claim 3, Harrison teaches the system of claim 1, further comprising an event list coupled to at least one of said dynamic proxy (page 190, Figure 7, lines 40-44).

13. As to claim 4, Harrison teaches the system of claim 1, further comprising an event-to-subscriber list coupled to said event notification service (page 190, Figure 7, right col., lines 22-25).

14. As to claim 5, Harrison teaches the system of claim 1, further comprising an event action list coupled to at least one of said dynamic proxy (page 190, right col., lines 62-64, and page 191, left col., lines 1-11).

15. As to claim 6, Harrison teaches the invention substantially as claimed including a dynamic proxy configured for interoperation with a component instance in a dynamic aggregation of components, the dynamic proxy comprising:

a list of selected listener method calls in said component instance (page 190, left col., Figure 7, lines 40-44);

a communicatively coupling to an event queue (page 192, right col., lines 22-31, Figure 8); and

event notification logic coupled to said list (page 192, left col., lines 27-34) and configured to post events to said event queue which relate to invoked listener method calls included in said list (page 192, right col., lines 22-31, Figure 8).

Harrison does not explicitly disclose event management logic configured to selectively handle invoked listener method calls.

However Shah discloses event management logic configured to selectively handle invoked listener method calls (col. 26, lines 66-67).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the event service of Harrison with the teachings of Event Manager Subsystem from Shah because this feature would have provided event manager subsystem provides the ability for a users to generically issue event notification to one or more registered parties (col. 26, lines 58-60 of Shah).

16. As to claim 7, Harrison teaches the dynamic proxy of claim 6, further comprising event management logic configured to selectively handle invoked listener method calls (page 189, right col., lines 22-28).

17. As to claim 9, Harrison teaches an event notification and management method comprising the steps of:

creating a component instance from an amalgamation of a dynamic proxy object definition and a component interface (page 189, right col., lines 5-21, 22-33, and page 190, lines 1-9);



trapping selected calls to methods disposed within said component instance (page 190, left col., lines 40-44);

routing a reference to the trapped selected calls to an event queue (page 192, right col., lines 22-31, Figure 8); and

for each reference in said event queue, distributing a notification to a set of subscribers registered to receive notifications for said reference (page 192, right col., lines 33-38).

18. As to claim 10, Harrison teaches the method of claim 9, wherein said creating a component instance comprises the step of instructing a factory object coupled to said dynamic proxy object definition to create said component instance (page 189, right col., line 9-10 and 25-26).

19. As to claim 11, Harrison teaches the method of claim 9, further comprising the steps of:

determining whether an event notification service responsible for said distributing a notification has been activated (page 190, right col., lines 34-36); and

performing said routing a reference only if said event notification service has been activated (page 190, right col., lines 39-44).

20. As to claim 12, Harrison teaches the method of claim 9, wherein said routing a reference comprises the steps of:

consulting an event list enumerating specific ones of said trapped selected calls (page 192 left col., lines 27-34); and

posting to said event queue only specific ones of said trapped selected calls included in said event list (page 192, right col, lines 22-28).

21. As to claims 14-17, these claims are rejected for the same reasons as claims 9-12 respectively, see the rejections to claims 9-12 above.

***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 8, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over "The Design and Performance of a Real-time CORBA™ Event Service" by Harrison et al. (hereinafter Harrison) in view of United States Patent 6,269,396 B1 to Shah et al. (hereinafter Shah) as applied to claims 6, 9, and 14 and further in view of United States Patent 6,877,163 B1 to Jones et al. (hereinafter Jones).

24. As to claim 8, Harrison as modified by Shah teaches the invention substantially as claimed including the dynamic proxy of claim 7, wherein said event management logic comprises programming for selectively performing one of quashing one of said invoked listener method calls (page 189, left col., lines 11-14 and page 191, left col., lines 3-5), and

assisting the component instance in handling said one of said invoked listener method calls (e.g. transmit event, page 190, left col., lines 6-9) while passing said one

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of said invoked listener method calls (e.g. concurrent communication) to the component instance (page 191, left col., lines 58-60, page 191, right col., lines 40-43, and page 192, left col., lines 23-25).

Harrison as modified by Shah does not explicitly teach handling said one of said invoked listener method calls without passing said one of said invoked listener method calls to the component instance, and

modifying said one of said invoked listener method calls before passing said one of said invoked listener method calls to the component instance.

However Jones teaches handling (e.g. processing) said one of said invoked listener method calls without passing said one of said invoked listener method calls to the component instance (step 506, Fig. 5), and

modifying (e.g. encodes) said one of said invoked listener method (step 504, Fig. 5) calls before passing said one of said invoked listener method calls to the component instance (step 508, and 510, Fig. 5, col. 6, lines 43-61).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have further modified the proxy of Harrison as modified by Shah with the teachings of a proxy class from Jones because this feature would have further provided a proxy class, dynamically generated at runtime, that implements a list of interfaces specified at runtime (col. 3, lines 6-8 of Jones).

25. As to claims 13 and 18, these claims are rejected for the same reasons as claim 8, see the rejection to claim 8 above.

***Conclusion***

26. The prior art made of record on the accompanying PTO-892 and not relied upon, is considered pertinent to applicant's disclosure.

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28.

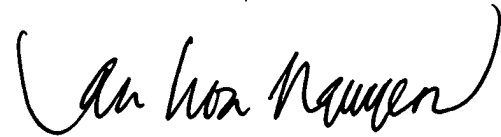
Any inquiry concerning this communication or earlier communications from the examiner should be directed to KimbleAnn Verdi whose telephone number is (571) 270-1654. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 10, 2008  
KV



**VAN H. NGUYEN**  
**PRIMARY EXAMINER**